



#25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Galina V. Mukamolova, *et al.*

Serial No.: 09/445,289

Filed: May 11, 2000

For: *BACTERIAL PHEROMONES AND USES  
THEREFOR*

Attorney Docket No.: 49946-60261  
(formerly FHW-051US)

Group Art Unit: 1645

Examiner: Devi, S..

**RECEIVED**

MAY 10 2004

OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

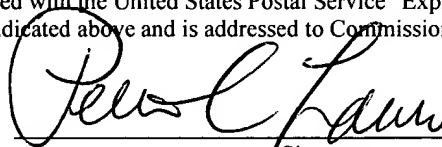
**Certificate of Express Mailing**

"Express Mail" mailing label number EV 438969285 US Date of Deposit May 4, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Peter C. Lauro, Esq.

Please Print Name of Person Signing



Signature

**PETITION TO REVIVE AN ABANDONED APPLICATION**  
**PURSUANT TO 37 CFR § 1.137(b)**

Dear Sir:

The undersigned is the attorney of record for the above-referenced patent application and was handling the prosecution of the application while a partner at Lahive & Cockfield, LLP. Effective July 30, 2003, the undersigned retired from Lahive & Cockfield, LLP and, effective August 11, 2003, joined the Boston office of Edwards & Angell, LLP as a partner in the firm's Intellectual Property Practice Group.

On August 1, 2003, Fry Heath & Spence, European patent counsel for the owner of the above-referenced patent application, instructed Lahive & Cockfield to transfer the application file to Edwards & Angell, LLP so that the undersigned could continue to prosecute the application. The file was received by Edwards & Angell on August 7, 2003.

On August 19, 2003, the Patent Office mailed an Office Communication in the above-referenced patent application. The Communication was addressed to Lahive & Cockfield. On March 15, 2004, the Patent Office issued a Notice of Abandonment for failure to file a response to the Office Communication mailed August 19, 2003. The Notice of Abandonment was addressed to Lahive & Cockfield.

The docket clerk at Lahive & Cockfield sent the Notice of Abandonment to the undersigned who received it at Edwards & Angell on March 24, 2004. The undersigned was surprised to receive the Notice of Abandonment and upon review of the Notice and inspection of the application file, the undersigned was unable to find the Office Communication mailed August 19, 2003 in the application file.

The undersigned immediately called the docket clerk at Lahive & Cockfield to apprise her that he had never received an Office Communication mailed August 19, 2003. The docket clerk at Lahive & Cockfield advised the undersigned that she had sent the Office Communication mailed August 19, 2003 under cover of a letter from Lahive & Cockfield, LLP dated September 2, 2003.

However, the undersigned was unable to find any such letter in the file. Likewise, the Edwards & Angell mailroom and docketing department had no record of ever having received the September 2, 2003 letter from the Lahive & Cockfield docket clerk. Apparently, the September 2, 2003 letter and enclosure were lost en route from Lahive &

Cockfield to Edwards & Angell, LLP. Therefore, the above-referenced patent application accidentally and unintentionally went abandoned.

The undersigned immediately contacted Examiner S. Devi. The undersigned explained the circumstances as set forth above and requested that she fax to the undersigned a copy of the Office Communication mailed August 19, 2003 so that the undersigned could file a Petition to Revive the application. Examiner Devi faxed the document on April 19, 2004.

Applicants respectfully request that the above-identified application be revived under 37 CFR §1.137(b). Under 37 CFR §1.137(b), a Petition to Revive an unintentionally abandoned application must be accompanied by: (1) any required reply, unless it has been previously submitted; (2) a petition fee as set forth in 37 CFR §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer under paragraph (d) of this section.

Accordingly, pursuant to 37 CFR §1.137(b)(1), Applicants submit with this Petition to Revive the following documents in response to the Office Communication mailed August 19, 2003: an Amendment and Response to Notice to Comply; a Transmittal Letter for Diskette Containing substitute Sequence Listing; Diskette containing computer readable form of substitute Sequence Listing; Hard (paper) copy of substitute Sequence Listing (31 pages); and Statement in Accordance with 37 C.F.R. §§1.821-1.825. Pursuant to 37 CFR §1.137(b)(2), Applicants submit a check to cover the amount of \$1330 for the petition fee under 37 C.F.R. §1.17(m). Pursuant to 37 CFR §1.137(b)(3), Applicants state the entire delay in filing the above-mentioned Amendment and Response to Notice to Comply in reply to the Office Communication mailed August

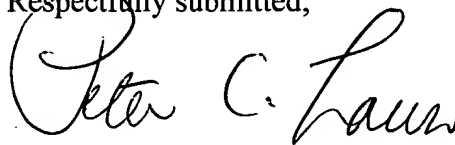
Attorney Docket No. 499-60261  
Serial No.: 09/445,289  
Applicants: Galina V. Mukamolova, *et al.*

Examiner: S. Devi  
Group Art Unit: 1645

19, 2003 until the filing of this Petition was unintentional. A terminal disclaimer is not required under 37 CFR §1.137(d) because the subject application is a utility application filed after June 8, 1995.

Please charge any underpayments or credit any overpayments to Deposit Account No. 04-1105. If Applicants' undersigned attorney can be of assistance in furthering the prosecution of this application, the Examiner is invited to contact him at the telephone number listed below.

Respectfully submitted,



---

Peter C. Lauro, Esq.  
Registration No. 32,360  
Attorney for Applicants  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205  
617-517-5509

Dated: May 4, 2004

Customer No.: 21874



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

# Fax Cover Sheet

**Date:** 19 Apr 2004

<b>To:</b> Mr. Peter Lauro	<b>From:</b> Ex S. Devi
<b>Application/Control Number:</b> 09/445,289	<b>Art Unit:</b> 1645
<b>Fax No.:</b> 888-325-9044	<b>Phone No.:</b> 571-272-0854
<b>Voice No.:</b> 401-274-9200	<b>Return Fax No.:</b> 703-872-9306
<b>Re:</b> Requested paper	<b>CC:</b>

☐ **Urgent**   ☐ **For Review**   ☐ **For Comment**   ☐ **For Reply**   ☒ **Per Your Request**

Comments:

As per your request , enclosed please find a copy of the Office Action mailed out 08/19/2003.

**Number of pages 5 including this page**

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Assistant Commissioner for Patents

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 2209  
CONNECTION TEL 918883259044  
SUBADDRESS  
CONNECTION ID  
ST. TIME 04/19 13:51  
USAGE T 02'11  
PGS. 5  
RESULT OK



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

# Fax Cover Sheet

Date: 19 Apr 2004

To: Mr. Peter Lauro	From: Ex. S. Devi
Application/Control Number: 09/445,289	Art Unit: 1645
Fax No.: 888-325-9044	Phone No.: 571-272-0854
Voice No.: 401-274-9200	Return Fax No.: 703-872-9306
Re: Requested paper	CC:

☐ Urgent ☐ For Review ☐ For Comment ☐ For Reply ☒ Per Your Request

Comments:

As per your request , enclosed please find a copy of the Office Action mailed out 08/19/2003.